**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN**

**WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929**

**WP(C).No. 20234 of 2007(H)**
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**PETITIONER:**
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**S.SUNILKUMAR, PRESIDENT,**
**AYIROOPARA KSHEERA VYAVASAYA SAHAKARANA SANGHAM**
**LTD. T-120(D), CHANTHAVILA, KATTAIKONAM P.O.,**
**TRIVANDRUM.**

**BY ADV. SRI.GEORGE POONTHOTTAM**

**RESPONDENTS:**
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**1. THE DEPUTY DIRECTOR, DEPARTMENT OF DAIRY DEVELOPMENT, PATTAM, THIRUVANANTHAPURAM-04.**

**2. THE DAIRY EXTENSION OFFICER, KAZHAKOOTTAM, KANIYAPURAM P.O., THIRUVANANTHAPURAM.**

***3. G. GANGADHARAN,**
**S/O. KILIYAN, AGED 46 YRS,**
**VAVARAKODU PUTHUVAL VEEDU,**
**CHANTAVILA, SAINIK SCHOOL,**
**THIRUVANANTHAPURAM.**

***ADDL. R3 IS IMPLEADED AS PER ORDER DATED 29/10/2007 IN IA NO. 9573/2007.**

****4. P. RAJASEKHARAN NAIR,
EDAVILAKATHU VEEDU,
CHANTHAVILA, KATTAYIKONAM P.O.,
THIRUVANANTHAPURAM.**

****ADDL. R4 IS IMPLEADED AS PER ORDER DATED 29/10/2007 IN IA NO. 11773/2007.**

**BY ADV. SRI.M.RAJAGOPALAN NAIR -- R3
SRI.G.BIJU
GOVERNMENT PLEADER
SRI.S.P.ARAVINDAKSHAN PILLAY R3 AND R4
SMT.N.SANTHA
SRI.S.A.ANAND
GOVERNMENT PLEADER SMT. ANU SIVARAMAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**WP(C) NO: 20234/2007**

**APPENDIX**

**PETITIONER'S EXHIBITS**

**EXT.P1. COPY OF THE MINUTES OF THE SOCIETY DT. 11/6/07.**

**EXT.P2. COPY OF THE NOTICE NO. D/1681/2007 DT. 15/6/2007.**

**EXT.P3. COPY OF THE NOTICE NO. D/1681/2007 DT. 19/6/07.**

**EXT.P4. COPY OF THE REQUEST GIVEN BY THE PETITIONER DT. 29/6/07.**

**EXT.P5. COPY OF THE ORDER LT. NO. D. 1681/07 DT. 30/6/07.**

**EXT.P6. COPY OF THE COMMUNICATION DT. 30/6/07.**

**EXT.P7. COPY OF THE LIST OF RECORDS AND DOCUMENTS TAKEN OVER THE ADMINISTRATOR ON 6/7/07.**

**EXT.P8. COPY OF THE LETTER DT. 10/08/2007.**

**EXT.P9. COPY OF THE LETTER DT. 18/07/2007.**

**RESPONDENT'S EXHIBITS /ANNEXURES**

**EXT.R1A. COPY OF THE ORDER NO. D/1681/2007 DT. 26/09/2007 OF THE R1.**

**EXT.R2A. COPY OF THE RELEVANT EXTRACT OF THE REGISTER FOR DISTRIBUTION OF CATTLE FEED.**

**EXT.R2B. COPY OF THE VOUCHER IN RESPECT OF THE CATTLE FEED.**

**EXT.R2C. COPY OF THE COMMUNICATION ISSUED ON 30/06/2007.**

**EXT.R2D. COPY OF THE COMMUNICATION SIGNED BY THE PRESIDENT ON 26/6/07.**

**ANNEXURE R1A: COPY OF THE ORDER NO. D/1681/2007 DATED 26/09/2007 OF THE R1.**

*True copy*

*tga*

**K.M.JOSEPH, J.**

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WP.(C) No.20234 of 2007

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Dated this the 30th day of July, 2007

**ORDER**

In the course of the hearing, the question arises is as to whether the Part-time Administrator has taken charge as on 30.6.2007 as submitted by the learned Government Pleader. Ext.P6 is seen dated 30.6.2007. But the petitioner points out that it is seen received on 2.7.2007 at 3.15 p.m as endorsed by the Branch Manager, according to the petitioner. According to the petitioner the recipient of Ext.P6 is functioning in his office located half a kilometer away from the Society in question. It becomes relevant to ascertain as to whether Ext.P6 was sent by post or whether it was served by hand delivery.

2. Government Pleader seeks time to get instructions in the matter.

3. Further Ext.R2(c) is addressed, according to the petitioner, to Ayirooppara Farmers' Service Co-operative Bank. It is shown as received on 30.6.2007. According to the petitioner, the said Bank is located 6 k.ms away from the Society. According to the respondents

the Part-time Administrator assumed charge at 4 p.m on 30.6.2007.

4. Here also it becomes necessary to ascertain as to how, according to the respondents, Ext.R2(c) was served, that is, whether it was served by post or by hand delivery. If it is delivered by hand delivery, the name of the person through whom Ext.R2(c) was sent also is necessary to be ascertained. Also it becomes necessary to ascertain as to whether there is any procedure prescribed in the matter of taking charge of Committee in cases covered by Sections 32 or 33 of the Act.

Learned Government Pleader will bring on record an affidavit by the second respondent on or before 6.8.2007.

Post on 6.8.2007. Hand over copy of this order to both sides.

(K.M. JOSEPH, JUDGE)

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H/o.